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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Joe W. CACKA et al.

Application No.: 10/045,953

Examiner: Terrence Till

Filed: January 12, 2002

Art Unit: 1744

For: TOOTHBRUSH

Confirmation No.: 2740

**PETITION TO WITHDRAW APPLICATION FROM ISSUE**

Mail Stop 313c  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

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SEP 1 9 2003

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Sir:

This is a Petition to withdraw the captioned application from issue pursuant to 37 C.F.R. § 1.313(c)(2). The issue fee was paid on 15 August 2003. Applicants have consulted the Patent Application Information Retrieval service and no issue date is presently indicated. Applicants petition to withdraw this application in consideration of their request for continued examination under 37 C.F.R. § 1.114, which is filed contemporaneously herewith. In support of this Petition, the Applicants further state as follows.

On 20 June 2003, an International Search Report (ISR) was generated by the International Search Authority with regard to an international application under the Patent Cooperation Treaty (PCT) in an application co-owned by Applicants' employer concerning related subject matter. This ISR disclosed two references that have not yet been considered by the U.S. examiner in the prosecution of this application. In early August 2003, Applicants further became aware of a published German utility model application that has not been considered by the Examiner in this case. Applicants believe these references may be potentially relevant in the field of art and should be considered by the examiner before issuance of a patent for this application is allowed.

PATENT  
Attorney Docket No. 5882.02  
Express Mail Label No. EV156971565US

CONCLUSION

Because three new and potentially relevant references have been recently discovered, Applicants request that their application be withdrawn from issuance with all due haste so that these references may be duly considered by the Examiner in the request for continued examination filed contemporaneously herewith.

Dated this 19<sup>th</sup> day of September 2003.



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